

STEPHANIE M. HINDS (CABN 154284)  
Acting United States Attorney

HALLIE HOFFMAN (CABN 210020)  
Chief, Criminal Division

COLIN C. SAMPSON (CABN 249784)  
DANIEL KALEBA (CABN 223789)  
Assistant United States Attorneys

450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102-3495  
Telephone: (415) 436-7020  
FAX: (415) 436-7009  
[Colin.Sampson@usdoj.gov](mailto:Colin.Sampson@usdoj.gov)

## Attorneys for United States of America

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

UNITED STATES OF AMERICA, ) CR 18-00172 BLF  
Plaintiff, )  
v. ) UNITED STATES' AMENDED WITNESS LIST  
MICHAEL KAIL, )  
Defendant. )

The United States of America (“United States”) hereby submits its list of prospective witnesses that may be called (other than those called solely for impeachment or rebuttal) to testify at trial. The United States reserves its rights, in keeping with the Federal Rules of Criminal Procedure, to expand or modify this list before trial and to call additional witnesses as may be necessary during trial:

1. Michael Kenneth Asher: Mr. Asher is expected to testify about the products and services developed by Platfora, Inc. and his communications with Defendant, including communications and agreements related to services provided by Platfora, Inc., to Netflix, Inc. Mr. Asher is further expected to testify about the circumstances of Defendant's advisory board role at Platfora, Inc. and shares and other items of value offered by Platfora, Inc. to Defendant.

1       2.     Sanjay Beri: Mr. Beri is expected to testify about the products and services developed by  
 2 Netskope, Inc. and his communications with Defendant, including communications and agreements  
 3 related to services provided by Netskope, Inc., to Netflix, Inc. Mr. Beri is further expected to testify  
 4 about the circumstances of Defendant's advisory board role at Netskope, Inc. and compensation  
 5 offered by Netskope, Inc. to Defendant.

6       3.     Kurt Brown: Mr. Brown is expected to testify about his communications with and  
 7 directions from Defendant, his employment duties at Netflix, Inc., and his use of products and services  
 8 from Platfora, Inc.

9       4.     Jagannadha Raju Chekuri: Mr. Chekuri is expected to testify about the products and  
 10 services developed by Netenrich, Inc. and VistaraIT, LLC. Mr. Chekuri is further expected to testify  
 11 about communications with Defendant, including communications and agreements related to services  
 12 and staffing provided by Netenrich, Inc. and VistaraIT, LLC to Netflix, Inc. Mr. Chekuri is further  
 13 expected to testify about the circumstances of Defendant's channel partnership agreement with  
 14 Netenrich, Inc. and VistaraIT, LLC using Unix Mercenary, LLC and payments to Defendant and Unix  
 15 Mercenary, LLC, Defendant's advisory board position and stock option awards related to Netenrich,  
 16 Inc.

17       5.     Rob Fry: Mr. Fry is expected to testify about his communications with and directions  
 18 from Defendant, his employment duties at Netflix, Inc., and his use of products and services from  
 19 Netenrich, Inc., VistaraIT, LLC, Netskope, Inc., and Elasticbox, Inc.

20       6.     Amarjit Gill: Mr. Gill is expected to testify about the products and services developed by  
 21 Maginatics, Inc. and his communications with Defendant, including communications and agreements  
 22 related to services provided by Maginatics, Inc., to Netflix, Inc. Mr. Gill is further expected to testify  
 23 about the circumstances of Defendant's advisory board role at Maginatics, Inc. and shares offered by  
 24 Maginatics, Inc. to Defendant.

25       7.     Alex Gorbansky: Mr. Gorbansky is expected to testify about the products and services  
 26 developed by Docurated, Inc. and his communications with Defendant, including communications and  
 27 agreements related to services provided by Docurated, Inc., to Netflix, Inc. Mr. Gorbansky is further  
 28 expected to testify about the circumstances of Defendant's advisory board role at Docurated, Inc. and

1 shares and other items of value offered by Docurated, Inc. to Defendant. Mr. Gorbansky is further  
 2 expected to testify as a custodian of Docurated, Inc. records.

3       8.     Gagan Hasteer: Mr. Hasteer is expected to testify about his communications with and  
 4 directions from Defendant, his employment duties at Netflix, Inc., and his use of products and services  
 5 from Platfora, Inc.

6       9.     Reed Hastings: Mr. Hastings is expected to testify regarding Netflix, Inc., including  
 7 policies governing employees and conflicts of interest. Mr. Hastings is further expected to testify  
 8 regarding his management of Defendant and the company's IT Operations department, including  
 9 conversations with Defendant about Netflix policies and culture and potential conflicts of interest.

10      10.    Rhaguvir Kamath: Mr. Kamath is expected to testify about the products and services  
 11 developed by Netenrich, Inc. and VistaraIT, LLC. Mr. Kamath is further expected to testify about  
 12 communications with Defendant, including communications and agreements related to services and  
 13 staffing provided by Netenrich, Inc. and VistaraIT, LLC to Netflix, Inc. Mr. Kamath is further  
 14 expected to testify about the circumstances of Defendant's channel partnership agreement with  
 15 Netenrich, Inc. and VistaraIT, LLC using Unix Mercenary, LLC and payments to Defendant and Unix  
 16 Mercenary, LLC, Defendant's advisory board position and stock option awards related to Netenrich,  
 17 Inc.

18      11.    Carlene Kikugawa, FBI: Financial Analyst Carlene Kikugawa is expected to testify as a  
 19 summary-expert regarding financial exhibits, including the disposition of proceeds of the fraud  
 20 scheme, including direct payments from Netenrich, Inc., Vistara IT, LLC, and Netskope, Inc., and  
 21 proceeds from sales of stock awarded by companies doing business with or seeking to do business  
 22 with Netflix, Inc.

23      12.    Varma Kunaparaju: Mr. Kunaparaju is expected to testify about the products and services  
 24 developed by Netenrich, Inc. and VistaraIT, LLC. Mr. Kunaparaju is further expected to testify about  
 25 communications with Defendant, including communications and agreements related to services and  
 26 staffing provided by Netenrich, Inc. and VistaraIT, LLC to Netflix, Inc. Mr. Kunaparaju is further  
 27 expected to testify about the circumstances of Defendant's channel partnership agreement with  
 28 Netenrich, Inc. and VistaraIT, LLC using Unix Mercenary, LLC and payments to Defendant and Unix

1       Mercenary, LLC, Defendant's advisory board position and stock option awards related to Netenrich,  
2 Inc.

3       13.     Bruno Kurtic: Mr. Kurtic is expected to testify about the products and services developed  
4 by SumoLogic, Inc. and his communications with Defendant, including communications and  
5 agreements related to services provided by SumoLogic, Inc., to Netflix, Inc. Mr. Kurtic is further  
6 expected to testify about the circumstances of Defendant's advisory board role at SumoLogic, Inc. and  
7 shares and other items of value offered by SumoLogic, Inc. to Defendant.

8       14.     Yingkuan Liu: Mr. Liu is expected to testify about his communications with and  
9 directions from Defendant, his employment duties at Netflix, Inc., and his use of products and services  
10 from Platfora, Inc.

11       15.     Vance Loiselle: Mr. Loiselle is expected to testify about the products and services  
12 developed by SumoLogic, Inc. and his communications with Defendant, including communications  
13 and agreements related to services provided by SumoLogic, Inc., to Netflix, Inc. Mr. Loiselle is  
14 further expected to testify about the circumstances of Defendant's advisory board role at SumoLogic,  
15 Inc. and shares and other items of value offered by SumoLogic, Inc. to Defendant.

16       16.     Mark Musselman: Mr. Musselman is expected to testify about the products and services  
17 developed by SumoLogic, Inc. and his communications with Defendant, including communications  
18 and agreements related to services provided by SumoLogic, Inc., to Netflix, Inc. Mr. Musselman is  
19 further expected to testify about the circumstances of Defendant's advisory board role at SumoLogic,  
20 Inc. and shares and other items of value offered by SumoLogic, Inc. to Defendant.

21       17.     Katheryn Mendelsohn: Ms. Mendelsohn is expected to testify about the products and  
22 services developed by Netenrich, Inc. and VistaraIT, LLC. Ms. Mendelsohn is further expected to  
23 testify about communications with Defendant, including communications and agreements related to  
24 services and staffing provided by Netenrich, Inc. and VistaraIT, LLC to Netflix, Inc. Ms. Mendelsohn  
25 is further expected to testify about the circumstances of Defendant's channel partnership agreement  
26 with Netenrich, Inc. and VistaraIT, LLC using Unix Mercenary, LLC and payments to Defendant and  
27 Unix Mercenary, LLC, Defendant's advisory board position and stock option awards related to  
28 Netenrich, Inc.

1       18.     Kevin O'Keefe: Mr. O'Keefe is expected to testify about the products and services  
2 developed by Maginatics, Inc. and his communications with Defendant, including communications  
3 and agreements related to services provided by Maginatics, Inc., to Netflix, Inc. Mr. O'Keefe is  
4 further expected to testify about the circumstances of Defendant's advisory board role at Maginatics,  
5 Inc. and shares offered by Maginatics, Inc. to Defendant.

6       19.     Tony Ralph: Mr. Ralph is expected to testify about his communications with and  
7 directions from Defendant, his employment duties at Netflix, Inc., and his use of products and services  
8 from Platfora, Inc.

9       20.     Guarav Rewari: Mr. Rewari is expected to testify about the products and services  
10 developed by Numerify, Inc. and his communications with Defendant, including communications and  
11 agreements related to services provided by Numerify, Inc., to Netflix, Inc. Mr. Rewari is further  
12 expected to testify about the circumstances of Defendant's advisory board role at Numerify, Inc. and  
13 shares offered by Numerify, Inc. to Defendant.

14       21.     Mike Rossi: Mr. Rossi is expected to testify about the products and services developed by  
15 Platfora, Inc. and his communications with Defendant, including communications and agreements  
16 related to services provided by Platfora, Inc., to Netflix, Inc. Mr. Rossi is further expected to testify  
17 about the circumstances of Defendant's advisory board role at Platfora, Inc. and shares and other items  
18 of value offered by Platfora, Inc. to Defendant.

19       22.     Ashi Sheth: Mr. Sheth is expected to testify about his involvement in Netflix, Inc.'s  
20 testing and/or use of services from Sumo logic, Inc., ElasticBox, Inc., Netenrich, Inc., VistaraIT, LLC,  
21 Docurated, Inc., Numerify, Inc., and Maginatics, Inc.

22       23.     Bobby Shoker: Mr. Shoker is expected to testify about the products and services  
23 developed by Netskope, Inc. and his communications with Defendant, including communications and  
24 agreements related to services provided by Netskope, Inc., to Netflix, Inc. Mr. Shoker is further  
25 expected to testify about the circumstances of Defendant's advisory board role at Netskope, Inc. and  
26 compensation offered by Netskope, Inc. to Defendant.

27       24.     Frank Slootman. Mr. Slootman is expected to testify about communications with  
28 Defendant, including Defendant's solicitation of warrants from ServiceNow, Inc.

1       25.     Jessica Socias: Ms. Socias is expected to testify about the products, staffing, and services  
 2 developed by Netenrich, Inc. Ms. Socias is further expected to testify about communications with  
 3 Defendant, including communications and agreements related to commissions paid to Defendant and  
 4 services provided by Netenrich, Inc. and VistaraIT, LLC to Netflix, Inc.

5       26.     Ashley Sprague: Ms. Sprague is expected to testify about her communications with and  
 6 Defendant, her employment duties at Netflix, Inc., Netflix's employee policies and policies regarding  
 7 third-party technology and services, and Netflix's use of products and services from VistaraIT, LLC,  
 8 Netskope, Inc., Sumo Logic, Inc. Docurated, Inc., and Netskope, Inc.

9       27.     Ravi Srivatsav: Mr. Srivatsav is expected to testify about the products and services  
 10 developed by Elasticbox, Inc. and his communications with Defendant, including communications and  
 11 agreements related to services provided by Elasticbox, Inc., to Netflix, Inc. Mr. Srivatsav is further  
 12 expected to testify about the circumstances of Defendant's advisory board role at Elasticbox, Inc. and  
 13 shares and other items of value offered by Elasticbox, Inc. to Defendant.

14       28.     Ankur Srivastava: Mr. Srivastava is expected to testify about the products and services  
 15 developed by Elasticbox, Inc. and his communications with Defendant, including communications and  
 16 agreements related to prices and services provided by Elasticbox, Inc., to Netflix, Inc. Mr. Srivastava  
 17 is further expected to testify about the circumstances of Defendant's advisory board role at Elasticbox,  
 18 Inc.

19       29.     Sylvia Sundholm: Ms. Sundholm is expected to testify about her role as a purchasing  
 20 manager for Netflix, Inc., and contracts with and payments to third party vendors to the IT Operations  
 21 department. She is further expected to testify regarding communications with Defendant and  
 22 representatives of vendors to Netflix, and the discovery of conflicts of interest by Defendant.

23       30.     Andy Telles: Mr. Telles is expected to testify about the products and services developed  
 24 by VistaraIT, LLC. Mr. Telles is further expected to testify about communications with Defendant,  
 25 including communications and agreements related to services provided by Vistara IT, LLC to Netflix,  
 26 Inc. Mr. Telles is further expected to testify about communications with other Netflix, Inc. employees  
 27 regarding Vistara IT, LLC's business with Netflix.

28       31.     Sabry Tozin: Mr. Tozin is expected to testify about his communications with and

1 directions from Defendant, his employment duties at Netflix, Inc., and his use of products and services  
 2 from VistaraIT, LLC, Netenrich, Inc., Docurated, Inc., and RelateIQ, Inc.

3       32.     Irene Tserkovny: Ms. Tserkovny is expected to testify about the products and services  
 4 developed by Docurated, Inc. and his communications with Defendant, including communications and  
 5 agreements related to services provided by Docurated, Inc., to Netflix, Inc. Ms. Tserkovny is further  
 6 expected to testify about the circumstances of Defendant's advisory board role at Docurated, Inc. and  
 7 shares and other items of value offered by Docurated, Inc. to Defendant.

8       33.     Tram Theresa Quinh Thi, also known as Theresa Vu: Ms. Vu is expected to testify about  
 9 the products and services developed by Platfora, Inc. and her communications with Defendant,  
 10 including communications and agreements related to services provided by Platfora, Inc., to Netflix,  
 11 Inc. Ms. Vu is further expected to testify about the circumstances of Defendant's advisory board role  
 12 at Platfora, Inc. and shares and other items of value offered by Platfora, Inc. to Defendant.

13       34.     David Wells: Mr. Wells is expected to testify regarding his management of Defendant at  
 14 Netflix, Inc., and communications with Defendant about Netflix policies, his 360 reviews and  
 15 concerns of employees reporting to Defendant. Mr. Wells is further expected to testify regarding his  
 16 November 2014 meeting with Defendant after Defendant resigned from Netflix.

17       35.     Benjamin Werther: Mr. Werther was deposed in April 2015 and the government intends  
 18 to introduce his prior testimony about the products and services developed by Platfora, Inc., his  
 19 communications with Defendant, including communications and agreements related to services  
 20 provided by Platfora, Inc., to Netflix, Inc. Mr. Werther's prior testimony is further expected to include  
 21 authentication of several business records of Platfora, Inc., circumstances of Defendant's advisory  
 22 board role at Platfora, Inc., including options and other items of value offered by Platfora, Inc. to  
 23 Defendant.

24       36.     Allison Wright: Ms. Wright is expected to testify about Netflix, Inc.'s "360" review  
 25 process and policies regarding conflicts of interest and Defendant's denial of any kickbacks and other  
 26 communications with Defendant.

27       37.     Matthew Sager: Mr. Sager will testify regarding the business of First American Title  
 28 Company and the escrow and sale of 224 Almendra Avenue, Los Gatos, California.

1  
2 The following law enforcement witnesses may be called, if necessary:

3 38. Jennifer Chelf, FBI: Special Agent Chelf is expected to testify about the search warrant  
4 executed at Defendant's residence and items found and seized at locations within the residence.

5 39. Steve Martins, IRS-CI: Special Agent Martins is expected to testify about the search  
6 warrant executed at Defendant's residence and items found and seized at locations within the  
7 residence.

8  
9 The following records custodians may be called, if necessary:

10 40. A representative or custodian of records of Netflix, Inc.;

11 41. A representative or custodian of records of OpsRamp, Inc., formerly Netenrich, Inc.;

12 42. A representative or custodian of records of OpsRamp, Inc., formerly VistaraIT, LLC;

13 43. A representative or custodian of records of Platfora, Inc.;

14 44. A representative or custodian of records of Netskope, Inc.;

15 45. A representative or custodian of records of Dell EMC, formerly Maginatics, Inc.;

16 46. A representative or custodian of records of SumoLogic, Inc.;

17 47. A representative or custodian of records of ElasticBox, Inc.;

18 48. A representative or custodian of records of Charles Schwab;

19  
20 Dated: March 22, 2021.

STEPHANIE M. HINDS  
Acting United States Attorney

21  
22 /s/ Colin Sampson  
23 COLIN SAMPSON  
24 Assistant United States Attorney